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LD 233, LD 868, LD 1002, LD 1134, and LD 1704

Senator Carney, Representative Kuhn, and Honorable Members of the Judiciary Committee, thank you for the opportunity to address the Committee. My name is Javier Oliver, I am a resident of Portland. I am presenting testimony in opposition of the bills before the committee this morning, specifically those concerning women's sports. Among other reasons, I oppose these bills on the grounds that their breadth represents government overreach, and their enforcement would require blatant privacy violations for women and girls.

While I agree with many other reasons for objecting to these bills, I will focus on their overreaching breadth. A bill, such as LD 233, repealing the liberties of a class should be narrow and directly address a government interest. The interest at stake is women and girls' ability to fairly and safely compete in sports, but this bill is overly broad. There is no discernable difference in athletic ability between prepubescent girls and boys, for example, and yet this bill applies to elementary schools. What justification can the government present to restrict participation at the elementary school level? Many other factors contribute to transgender women and girls' athletic performance differences, including what kind of sport, whether the person has undergone testosterone suppressing therapy, and the level of competition. It seems that even the most recreational athletic activities would be subject to the restrictions in LD 233. Decisions about who plays in what sport should be, and are made at the organizational level so that they can tailor policies to age-groups, sports, adherence to testosterone suppression therapy, and competition levels. No data supports such a broad bill.

Conversely, there is an abundance of data showing the harms these bills can cause. Fourteen percent of young transgender women surveyed in 2024 reported a suicide attempt in the last year, as compared to a still tragic 8% of LGBTQ+ cisgendered women¹. But the same survey shows us that transgender people who have gender-affirming schools see a 20% reduction in suicide attempts². Testimony by transgender athletes and their teammates, and the available data show transgender girls have better mental health

¹ https://www.thetrevorproject.org/survey-2024/assets/static/TTP_2024_National_Survey.pdf, page 7

² https://www.thetrevorproject.org/survey-2024/assets/static/TTP_2024_National_Survey.pdf, page 27. Note: this statistic combines transgender men and transgender women.

outcomes if allowed to play sports with the gender they identify with. Clearly, the evidence demonstrates this bill would cause substantially more harm than it purportedly addresses.

I understand that many observers' intuition is in conflict with the data. I can appreciate that many think the competitive advantages and safety concerns are legitimate because men indeed have athletic advantages. But transwomen are heavily underrepresented in women's NCAA sports and on podiums in general.³ Many factors contribute to this underrepresentation, like how transwomen on hormone blockers have to move larger body frames with similar muscle when compared to cis-gendered women. This conflict should be a reminder that transgender women are not men, and for me, it highlighted my own ignorance regarding the trans experience. This conflict between the expected trans dominance in NCAA women's sports and the reality of their severe underrepresentation emphasize that trans women are not men, and highlight societies lack of understanding regarding the trans experience.

Thank you for the opportunity to share some of my thoughts to the Committee. I urge you to vote "Ought not to Pass" on these bills. Thank you!

³ https://youtu.be/X5_V1XsWiOc?si=phRchD-dvVFDWtaT&t=1217 Interview with Joanna Harper, a PhD medical physics that researches this specific issue. In this interview, she also notes that